

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:	§	
JULIET HOMES, LP,	§	Case No. 07-36424-H1-7
Debtor	§	(Chapter 7)

IN RE: §
JULIET GP, LLC, § **Case No. 07-36426-H1-7**
Debtor § **(Chapter 7)**

IN RE:	§	
DOUGLAS A. BROWN,	§	Case No. 07-36422-H1-7
Debtor.	§	(Chapter 7)

	§	
JOSEPH M. HILL, TRUSTEE	§	Civil Action No. H-12-840
AND W. STEVE SMITH, TRUSTEE,	§	
	§	
Plaintiffs	§	Adversary No. 09-03429
	§	Adversary No. 09-03441
v.	§	Adversary No. 09-03442
	§	
ALEX ORIA ET AL.,	§	
	§	
Defendants	§	
	§	

**MOTION FOR DISMISSAL WITH PREJUDICE OF CERTAIN PARTIES AND
CLAIMS AND FOR ENTRY OF FINAL JUDGMENT OF DISMISSAL**

Plaintiffs Joseph M. Hill, Chapter 7 Trustee of the estates of Juliet Homes, LP and Juliet GP, LLC, and Janet S. Northrup, Chapter 7 Trustee of the estate of Douglas Allen Brown, file this Motion for Dismissal With Prejudice of Certain Parties and Claims and For Entry of Final Judgment of Dismissal, showing as follows:

1. This civil action is the consolidated case of twelve Adversary Proceedings commenced in late October 2009, the reference of which was withdrawn by this Court.¹ Plaintiffs named more than 75 defendants in their complaints.

2. During the almost five-year history of this action, Plaintiffs have resolved their claims against the majority of the defendants, and those defendants' counterclaims against Plaintiffs, in multiple settlements and agreed dismissals approved by the Bankruptcy Court.

3. Plaintiffs and each of the Settling Parties listed on Exhibit A have entered into settlements by which they have agreed to a dismissal with prejudice of all claims filed by Plaintiffs and, as to those Settling Parties who filed counterclaims against Plaintiffs, a dismissal with prejudice of those counterclaims. As set forth more specifically in Exhibit A, these settlements were approved by the Court in the captioned bankruptcy cases by orders entered on November 8, 2013; February 26, 2014; and September 15, 2014.

4. Additionally, Plaintiffs and these defendants filed agreed motions for dismissal of the claims by and against them: Damazo Vidal; Frank Powell; Don Sanders; Don Weir; Sanders Opportunity Fund, L.P.; Sanders Opportunity Fund (Institutional), L.P.; and Sanders 1998 Children's Fund (the "Dismissed Defendants"). The Court entered an order dismissing Plaintiffs' claims against Damazo Vidal on November 4, 2011² and against Frank Powell on April 19, 2012. The Court entered an order dismissing Plaintiffs' claims against the other Dismissed Defendants and all counterclaims asserted by those Dismissed Defendants on August 23, 2012.

¹ Adv. Nos. 09-3429, 09-3432, 09-3433, 09-3434, 09-3435, 09-3436, 09-3437, 09-3438, 09-3439, 09-3440, 09-3441, and 09-3442 were consolidated into Adv. No. 09-3429. On March 14, 2012, Bankruptcy Judge Marvin Isgur recommended the withdrawal of the reference, and this Civil Action No. H-12-840 is the District Court suit that resulted from the withdrawal of the reference.

² Plaintiffs and Damazo Vidal entered into a settlement agreement that was approved by the Bankruptcy Court on September 9, 2011; an interlocutory order dismissing the claims against Mr. Vidal was entered on November 4, 2011.

5. In accordance with the approved settlement agreements, and pursuant to Federal Rule of Civil Procedure 41(a)(2), Plaintiffs and the Settling Parties request that the Court enter an order dismissing with prejudice the Settling Defendants and all claims by the Settling Defendants against Plaintiffs.

6. Plaintiffs also request that, pursuant to Federal Rule of Civil Procedure 54(b), the Court enter final judgment of dismissal as to the Settling Defendants and the Dismissed Defendants in the form submitted with this motion. There is no just reason for delay of entry of final judgment resolving the claims among Plaintiffs and the Settling and Dismissed Defendants.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that the Court enter the proposed final judgment submitted with this motion and grant them such other and further relief to which they may be justly entitled.

Date: September 19, 2014

Respectfully submitted,

/s/ Susan Hardie Jacks

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of this Motion for Dismissal was served on September 19, 2014, electronically on those persons who receive electronic notification from the court, and by U.S. Mail, on all others, as indicated below:

/s/ Jeremy R. Stone

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